

### **DETAILED ACTION**

Applicant is reminded that examiner's base of reasoning is not limited to the cited paragraph. Prior art should be reviewed entirely.

#### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 (1-12), 13 (13-27), 28 (28-40), 41 (41-53) of the instant Application are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 (1-12), 13 (13-27), 28 (28-40), 41 (41-53) of copending Application No. 10/671,000. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

For example,

**Claim 1 of the Instant Application:**

A system for assessing risk in financial transactions wherein a customer is purchasing goods or services from a merchant and is proffering payment for the goods or services using a non-cash payment device, the system comprising:

- a distributed network of point of sale devices that are distributed throughout a plurality of merchant locations, wherein the point of sale devices are configured to collect and transmit transaction information about the transaction and the proffered payment and are further configured to display requests to the merchant to provide identification information and to allow the merchant to transmit identification information via the point of sale device; and

- a risk assessment engine that receives the transmitted transaction information, evaluates the transmitted transaction information, and determines whether the proffered payment for the goods or services via the non-cash payment device should be accepted or declined, wherein the risk assessment engine

provides a signal indicative of the acceptance or decline to the merchant via the distributed network of point of sale devices, and wherein the risk assessment engine **obtains** additional identification information from the merchant at the point of sale device **such that, when the additional information is obtained, the risk assessment engine re-evaluates the transmitted transaction information along with the identification information** to further determine whether to accept or decline the proffered payment.

**Claim 1 of the Co-Pending Application:**

A system for assessing risk in financial transactions wherein a customer is purchasing goods or services from a merchant and is proffering payment for the goods or services using a non-cash payment device, the system comprising:

a distributed network of point of sale devices that are distributed throughout a plurality of merchant locations, wherein the point of sale devices are configured to collect and transmit transaction information about the transaction and the proffered payment and are further configured to display requests to the merchant to provide identification information and to allow the merchant to transmit identification information via the point of sale device; and

a risk assessment engine that receives the transmitted transaction information, evaluates the transmitted transaction information, and determines whether the proffered payment for the goods or services via the non-cash payment device should be accepted or declined, wherein the risk assessment engine provides a signal indicative of the acceptance or decline to the merchant via the

distributed network of point of sale devices, and wherein the risk assessment engine requests additional identification information from the merchant at the point of sale device when the evaluation of the transmitted transaction information indicates that the proffered payment has a risk greater than a pre-selected threshold so as to further determine whether to accept or decline the proffered payment.

As noted above, the differences between the two claims are minor and the claims are not patentably distinct. These differences are herein being featured in bold and underlined respectively.

The above conclusion is well within the level of skills of an ordinary artisan who would have reached the same at the time of the invention.

The differences between the rest of the claims are featured below.

**Claim 13 of the Instant Application:**

A system for assessing risk of a financial transaction, wherein a customer purchases merchandise or services from a merchant at a point of sale and proffers a payment in exchange for the merchandise or services, the system comprising:

an interactive device positioned at the point of sale, wherein the interactive device interacts with the merchant at the point of sale by displaying messages in a manner so as to facilitate collection and transmission of information relating to the financial transaction including information about the proffered payment, and

wherein the interactive device transmits information indicative of the merchant and the proffered payment; and

an authorization component that receives the transmitted information, generates a risk assessment based at least in part on the transmitted information, and determines from the risk assessment whether to approve or decline the financial transaction in a manner so as to provide a signal indicative thereof to the merchant via the interactive device, and wherein the authorization component **obtains** additional information relating to the financial transaction from the merchant at the point of sale via the interactive device **so that, when the additional information is obtained, the authorization component selectively re-evaluates the risk assessment using, at least in part, the additional information** to determine whether to accept or decline the financial transaction.

**Claim 13 of the Co-Pending Application:**

A system for assessing risk of a financial transaction, wherein a customer purchases merchandise or services from a merchant at a point of sale and proffers a payment in exchange for the merchandise or services, the system comprising:

an interactive device positioned at the point of sale, wherein the interactive device interacts with the merchant at the point of sale by displaying messages in a manner so as to facilitate collection and transmission of information relating to the financial transaction including information about the proffered payment, and wherein the interactive device transmits information indicative of the merchant and the proffered payment; and

an authorization component that receives the transmitted information, generates a risk assessment based at least in part on the transmitted information, and determines from the risk assessment whether to approve or decline the financial transaction in a manner so as to provide a signal indicative thereof to the merchant via the interactive device, and wherein the authorization component requests additional information relating to the financial transaction from the merchant at the point of sale via the interactive device when the risk assessment indicates that the financial transaction is of moderate risk so as to further determine whether to accept or decline the financial transaction.

**Claim 28 of the Instant Application:**

A system for authorizing a financial transaction, wherein a non-cash payment is exchanged for goods and services, the system comprising:

a merchant location comprising at least one interactive POS device, whereby messages can be displayed on the at least one interactive POS device prompting collection and transmission of transaction information relating to the financial transaction including information about the non-cash payment;

a risk assessment component that generates at least one risk score based at least in part on the transmitted information, wherein the risk assessment component determines from the at least one risk score whether to approve or decline the financial transaction in a manner so as to provide a signal indicative thereof to the merchant location via the at least one interactive POS device; and

an interactive processing component associated with the risk assessment component that determines if additional information relating to the financial transaction is needed prior to authorization of the financial transaction, wherein **the merchant transmits additional information to the interactive processing component** via the interactive POS device **so that the risk assessment component uses the additional information, at least in part, to selectively re-evaluate the risk associated with the financial transaction by generating an additional risk score based at least in part on the additional information to thereby approve or decline the financial transaction and to provide a signal indicative thereof to the merchant location via the at least one interactive POS device.**

**Claim 28 of the Co-Pending Application:**

A system for authorizing a financial transaction, wherein a non-cash payment is exchanged for goods and services, the system comprising:

a merchant location comprising at least one interactive POS device, whereby messages can be displayed on the at least one interactive POS device prompting collection and transmission of transaction information relating to the financial transaction including information about the non-cash payment;

a risk assessment component that generates at least one risk score based at least in part on the transmitted information, wherein the risk assessment component determines from the at least one risk score whether to approve or

decline the financial transaction in a manner so as to provide a signal indicative thereof to the merchant location via the at least one interactive POS device; and

an interactive processing component associated with the risk assessment component that determines if additional information relating to the financial transaction is needed prior to authorization of the financial transaction, wherein the interactive processing component transmits a request for additional information to the merchant location via the interactive POS device in a manner so as to display the request on the interactive POS device when the at least one generated risk score is greater than a pre-selected threshold so that the risk assessment component can use the additional information to further determine whether to approve or decline the financial transaction.

**Claim 41 of the Instant Application:**

A method of assessing risk in financial transactions, wherein goods or services are being purchased by a customer from a merchant by the customer proffering a promissory payment, the method comprising:

- (i) transmitting transactional information about the proffered payment and the merchant to a risk assessment component;
- (ii) evaluating the proffered payment to assess the risk of accepting the proffered payment as payment for the goods or services;
- (iii) transmitting an acceptance or decline decision to the merchant following the evaluation of the proffered payment to advise the merchant whether to accept **or decline** the proffered payment;



(iv) **obtaining** additional information **about the proffered payment** from the merchant;

(v) transmitting the additional information in response to the request of act (iv); **and**

(vi) **selectively re-evaluating the proffered payment so as to re-assess the risk using, at least in part, the additional information obtained from the merchant to determine whether to accept or decline the financial transaction.**

**Claim 41 of the Co-Pending Application:**

A method of assessing risk in financial transactions, wherein goods or services are being purchased by a customer from a merchant by the customer proffering a promissory payment, the method comprising:

(i) transmitting transactional information about the proffered payment and the merchant to a risk assessment component;

(ii) evaluating the proffered payment to assess the risk of accepting the proffered payment as payment for the goods or services;

(iii) transmitting an acceptance or decline decision to the merchant following the evaluation of the proffered payment to advise the merchant whether to accept the proffered payment;

(iv) requesting additional information from the merchant when the evaluation of the proffered payment indicates that the risk of accepting the payment falls within the moderate risk category; and

- (v) transmitting the additional information in response to the request of act  
(iv).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-9, 13-15, 17-19, 22-37, and 41-50 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Number 5,679,940 to Templeton et al (hereinafter "Templeton").

As per claim 1, Templeton teaches a system for assessing risk in financial transactions wherein a customer is purchasing goods or services from a merchant and is proffering payment for the goods or services using a non-cash payment device, the system comprising (see abstract):

a distributed network of point of sale devices that are distributed throughout a plurality of merchant locations, wherein the point of sale devices are configured to collect and transmit transaction information about the transaction and the proffered payment (see abstract, and column 4, line 8-24, line 32-35, line 39-42; transaction terminal is point of sale device) and are further configured to display requests to the merchant to provide identification information (see abstract, and column 4, line 27-32, and column 5, line 21-34, and column 13, line 28-30, and column 29, line 53-57) and to allow the merchant to transmit identification information via the point of sale device (see abstract, and column 4, line 32-35, and column 29, line 57-65); and

a risk assessment engine (see abstract, the "host computer/system" contains a risk assessment engine) that receives the transmitted transaction information (see column 4, line 20-23; the "transaction packet" contains transaction information), evaluates the transmitted transaction information, and determines whether the proffered payment for the goods or services via the non-cash payment device should be accepted or declined (see column 4, line 35-38, and column 11, line 12-17), wherein the risk assessment engine provides a signal indicative of the acceptance or decline to the merchant via the distributed network of point of sale devices (see column 7, line 54-58, and column 11, line 35-42, and column 24, line 61-66), and wherein the risk assessment engine obtains additional identification information from the merchant at the point of sale device such that, when the additional information is obtained, the risk assessment engine re-evaluates the transmitted transaction information along with the identification information (see column 5, line 7-28, and column 11, line 35-39, and column 14, line 15-27, and column 19, line 35-44, and column 30, line 29-34) to further determine whether to accept or decline the proffered payment (see column 5, line 21-34, and column 14, line 15-27).

As per claim 2, Templeton teaches wherein the non-cash payment device comprises a payment by check, wherein the risk assessment engine evaluates the risk of accepting the check (see abstract, and column 4, line 8-38).

As per claim 3, Templeton teaches wherein the transmitted transaction information comprises at least one of the check amount, an identification of the merchant, and check identification information (see column 4, line 59-67, and column 10, line 59-67, and column 11, line 1-8).

As per claim 4, Templeton teaches wherein the check identification information comprises a MICR code from the check (see column 4, line 59-67, and column 5, line 50-55, and column 10, line 63-65).

As per claim 5, Templeton teaches wherein the additional identification information requested by the risk assessment engine comprises information that identifies the customer so as to facilitate collection on the check (see column 7, line 43- 58, and column 8, line 41-53, and column 14, line 15-36, and column 23, line 9-25).

As per claim 6, Templeton teaches further comprising a database, wherein the transmitted transaction information and the additional identification information is stored in the database to facilitate subsequent collection on the check from the customer in the event that payment is not made on the check (see column 13, line 18-57; Templeton teaches that the transmitted transaction information and the additional identification information are stored in either negative file or positive file which are used as a database).

As per claim 7, Templeton teaches wherein the additional identification information is the customer's telephone number (see column 14, line 15-39).

As per claim 8, Templeton teaches wherein the risk assessment engine determines whether the additional identification information corresponds to the check identification information in determining whether to accept or decline the proffered payment following receipt of the additional identification information (see column 2, line 51-67, and column 4, line 32-38, and column 30, line 46-53, column 23, line 8-25; Templeton teaches the embodiment where checking account number, check sequence number, and the amount of check are sent to risk assessment engine; these information are check identification information; after analyzing the

customer identification information against the check identification information, the risk assessment engine could generate score indicating whether the additional identification information matches the check identification information; and this will help determine whether the payment should be accepted or declined. Also, column 20, line 34-42 teaches that Templeton's invention can use any conventional processing algorithms to determine whether to accept or decline the proffered payment. However, one of ordinary skill in the art will understand that verifying whether additional identification information corresponds to check identification information is a conventional processing algorithms).

As per claim 9, Templeton teaches wherein the risk assessment engine determines whether the additional identification information identifies a customer that is authorized to write checks on the account corresponding to the check (see column 12, line 60-63, and column 14, line 33-39, and column 30, line 46-53; Templeton teaches that validating the customer's identity is essentially the same as identifying whether a customer is authorized to write checks on the account corresponding to the check).

As per claim 13, Templeton teaches wherein a customer purchases merchandise or services from a merchant at a point of sale and proffers a payment in exchange for the merchandise or services (see abstract), the system comprising:

an interactive device positioned at the point of sale (see abstract, and column 4, line 8-24, line 32-35, line 39-42; "transaction terminal" is an interactive device positioned at the POS), wherein the interactive device interacts with the merchant at the point of sale by displaying messages in a manner so as to facilitate collection and transmission of information relating to the financial transaction including information about the proffered payment (see abstract, and

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column 4, line 8-24, line 32-35, line 39-42, line 27- 32, and column 5, line 46-50), and wherein the interactive device transmits information indicative of the merchant and the proffered payment (see abstract, and column 4, line 32-35, and column 29, line 57-65); and

an authorization component that receives the transmitted information (see abstract; the "host computer/system" contains a risk assessment engine, and column 4, line 20-23; the "transaction packet" contains transaction information), generates a risk assessment based at least in part on the transmitted information (see column 4, line 35- 38, and column 11, line 12-17), and determines from the risk assessment whether to approve or decline the financial transaction in a manner so as to provide a signal indicative thereof to the merchant via the interactive device (see column 7, line 54-58, and column 11, line 35-42, and column 24, line 61-66), and wherein the authorization component obtains additional information relating to the financial transaction from the merchant at the point of sale via the interactive device so that, when the additional information is obtained (see column 5, line 7-28, and column 11, line 35-39, and column 14, line 15-27, and column 19, line 35-44, and column 30, line 29-34), the authorization component selectively re-evaluates the risk assessment using, at least in part, the additional information to determine whether to accept or decline the financial transaction (see column 5, line 21-34, and column 14, line 15-27).

As per claim 14, Templeton teaches wherein the authorization component notifies the merchant by displaying a request for additional information on the interactive device prior to authorizing the financial transaction (see abstract, and column 4, line 27- 32, and column 5, line 21-34, and column 13, line 28-30, and column 29, line 53-57).

Claim 15 is rejected for the same reasoning as in claim 2.

As per claim 17, Templeton teaches wherein the information is transmitted electronically through a computer network (see column 12, line 28-42).

Claim 18 is rejected for the same reasoning as in claim 3.

As per claim 19, Templeton teaches wherein the payment identification information includes a MICR code of the payment (see column 4, line 59-67, and column 10, line 59-67).

Claim 22 is rejected for the same reasoning as in claim 8, and the "host computer/system" contains the authorization component.

Claim 23 is rejected for the same reasoning as in claim 9, and the "host computer/system" contains the authorization component.

As per claim 24, Templeton teaches wherein the personal identification information is selected from the group consisting of the customer's telephone number, the customer's mother's maiden name, the customer's place of residence, the customer's zip code, the customer's driver's license number, and a personal identification number (PIN) (see column 9, line 60-63, and column 11, line 1-3, and column 14, line 40-43, and column 16, line 50-53; Templeton mentions PIN number pad indicating that PIN is used as personal identification number).

Claim 25 is rejected for the same reasoning as in claim 6.

As per claim 26, Templeton teaches wherein the interactive device comprises at least one of a display monitor, a key input device, a printer, a magnetic card reader, and a magnetic check reader (see column 15, line 9-67)

As per claim 27, Templeton teaches wherein the signal is a message notifying the merchant to approve or decline the financial transaction (see column 4, line 35-42).

As per claim 28, Templeton teaches a system for authorizing a financial transaction, wherein a non-cash payment is exchanged for goods and services (see abstract), the system comprising:

a merchant location comprising at least one interactive POS device (see abstract), whereby messages can be displayed on the at least one interactive POS device prompting collection and transmission of transaction information relating to the financial transaction including information about the non-cash payment (see abstract, and column 4, line 8-24, line 32-35, line 39-42, line 27-32, and column 5, line 46-50);

a risk assessment component that generates at least one risk score based at least in part on the transmitted information (see abstract, "host computer/system" contains a risk assessment component, and see column 5, 1-34), wherein the risk assessment component determines from the at least one risk score whether to approve or decline the financial transaction in a manner (see column 5, 1-34) so as to provide a signal indicative thereof to the merchant location via the at least one interactive POS device (see column 7, line 54-58, and column 11, line 35-42, and column 24, line 61- 66); and

an interactive processing component associated with the risk assessment component (see abstract, "host computer/system" have both the function of interactive processing component and risk assessment component) that determines if additional information relating to the financial transaction is needed prior to authorization of the financial transaction (see column 5, line 1-34, and column 19, line 35-46), wherein the merchant transmits additional information to the interactive processing component via the interactive POS device so that the risk assessment component uses the additional



information, at least in part, to selectively re-evaluate the risk associated with the financial transaction by generating an additional risk score based at least in part on the additional information to thereby approve or decline the financial transaction (see column 5, line 7-28, and column 11, line 35-39, and column 14, line 15-27, and column 19, line 35-44, and column 30, line 29-34, and see column 5, line 21-34, and column 14, line 15-27) and to provide a signal indicative thereof to the merchant location via the at least one interactive POS device (see column 24, line 61-67, and column 29, line 53-65).

As per claim 29, Templeton teaches wherein the merchant location transmits the additional information relating to the financial transaction to the risk assessment component after receiving the request-for additional information (see column 6, line 63-67, and column 20, line 60-64).

Claim 30 is rejected for the same reasoning as in claim 2.

Claim 31 is rejected for the same reasoning as in claim 3.

Claim 32 is rejected for the same reasoning as in claim 4.

Claim 33 is rejected for the same reasoning as in claim 8.

Claim 34 is rejected for the same reasoning as in claim 9.

Claim 35 is rejected for the same reasoning as in claim 5.

Claim 36 is rejected for the same reasoning as in claim 6.

Claim 37 is rejected for the same reasoning as in claim 7.

As per claim 41, Templeton teaches a method of assessing risk in financial transactions, wherein goods or services are being purchased by a customer from a merchant by the customer proffering a promissory payment (see abstract), the method comprising:

(i) transmitting transactional information about the proffered payment and the merchant to a risk assessment component (see abstract, and column 4, line 8-24, line 32-35, line 39-42, "host computer/system" contains risk assessment component);

(ii) evaluating the proffered payment to assess the risk of accepting the proffered payment as payment for the goods or services (see column 4, line 35-38, and column 11, line 12-17);

(iii) transmitting an acceptance or decline decision to the merchant following the evaluation of the proffered payment to advise the merchant whether to accept or decline the proffered payment (see column 7, line 54-58, and column 11, line 35-42, and column 24, line 61-66);

(iv) obtaining additional information about the proffered payment from the merchant (see column 19, line 35-59);

(v) transmitting the additional information in response to the request of act (iv) (see column 4, line 51-54); and

(vi) selectively re-evaluating the proffered payment so as to re-assess the risk using, at least in part, the additional information obtained from the merchant to determine whether to accept or decline the financial transaction (see column 19, line 35-59).

As per claim 42, Templeton teaches wherein transmitting the acceptance or decline decision to the merchant is based at least in part on the additional information (see column 5, line 21-34).

Claim 43 is rejected for the same reasoning as in claim 2.

Claim 44 is rejected for the same reasoning as in claim 4.

Claim 45 is rejected for the same reasoning as in claim 3.

Claim 46 is rejected for the same reasoning as in claim 5.

Claim 47 is rejected for the same reasoning as in claim 8.

Claim 48 is rejected for the same reasoning as in claim 9.

Claim 49 is rejected for the same reasoning as in claim 6.

Claim 50 is rejected for the same reasoning as in claim 7.

***Claim Rejection- USC 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10-12, 16, 20, 21,38-40, and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,679,940 to Templeton, in view of Nichols et al (Pub. No.: US 2002/0088849).

As per claim 10, Templeton does not expressly teach a system wherein a credit card is used instead of a check to pay for transactions (“the check is a credit card”), and wherein the risk assessment engine evaluates the risk of accepting the credit card. However, Nichols teaches a system that uses a credit card to pay for transactions and wherein the risk assessment engine evaluates the risk of accepting the credit card (see abstract, and paragraph 0032 and 0033).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to use credit card instead of or in addition to a check, wherein the risk assessment engine evaluates the risk of accepting the credit card.

One of ordinary skill in the art would have been motivated to modify the reference in order to effectively differentiate between good and bad non-cash payment.

As per claim 11, Templeton teaches wherein the transmitted transaction information comprises at least one of the purchase amount, an identification of the merchant, and credit card identification information related to the customer (see column 4, line 59-67, and column 10, line 59-67, and column 11, line 1-8).

As per claim 12, Templeton teaches wherein the credit card comprises a magnetic strip, and the credit card identification information comprises magnetically stored digital information that is obtained from the magnetic strip on the credit card (see column 10, line 18-31).

Claim 16 is rejected for the same reasoning as claim 10.

As per claim 20, Templeton does not teach the payment identification information includes an OCR code of the payment.

Nichols teaches the payment identification information includes an OCR code of the payment (see paragraph 0032; Nichols teaches using OCR equipment to extract data regarding to the check).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include an OCR code of the payment.

One of ordinary skill in the art would have been motivated to modify the reference in order to provide more methods for extracting payment data.

As per claim 21, Templeton does not wherein the payment identification information includes an image of the payment. Nichols teaches the payment identification information includes an image of the payment (see paragraph 0009 and 0035).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include an image of the payment in payment identification information.

One of ordinary skill in the art would have been motivated to modify the reference in order to provide more information for verifying the payment.

Claim 38 is rejected for the same reasoning as in claim 10.

Claim 39 is rejected for the same reasoning as in claim 11.

Claim 40 is rejected for the same reasoning as in claim 12.

Claim 51 is rejected for the same reasoning as in claim 10.

Claim 52 is rejected for the same reasoning as in claim 11.

Claim 53 is rejected for the same reasoning as in claim 12.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IRENE KANG whose telephone number is (571)270-3611. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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